

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

	)	
	)	
OLANDO GRAVES, an individual,	)	No. C-06-00929 SC
	)	
Plaintiff,	)	ORDER GRANTING
	)	PLAINTIFF'S MOTION
v.	)	FOR PERMISSION
	)	TO APPEAL
	)	<u>IN FORMA PAUPERIS</u>
	)	
PENINSULA AUTO MACHINISTS LODGE NO.)	)	
1414, INTERNATIONAL ASSOCIATION OF )	)	
MACHINISTS & AEROSPACE WORKERS; IAP)	)	
WORLD SERVICES, INC. (formerly )	)	
JOHNSON CONTROLS WORLD SERVICES, )	)	
INC.), )	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Orlando Graves moves the Court for leave to file an appeal in forma pauperis. The Court GRANTS Plaintiff's motion.

Rule 24 of the Federal Rules of Appellate Procedure ("FRAP") governs whether a litigant may file an appeal in federal circuit court of appeals in forma pauperis. Excluding certain conditions that do not apply here, FRAP Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides that "[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may

1 proceed on appeal in forma pauperis without further  
2 authorization."

3 In an order issued on February 17, 2006, Judge Charles Breyer  
4 granted Plaintiff's motion to proceed in forma pauperis in this  
5 case at the district court level. Plaintiff, therefore, was not  
6 required to seek leave of this Court to appeal in forma pauperis.  
7 Thus, while Plaintiff's affidavit attached to the instant motion  
8 was deficient under FRAP Rule 24(a)(1), which describes the  
9 process for seeking leave of a district court to file an appeal in  
10 forma pauperis, the Court will not withhold such leave on this  
11 basis.

12 Plaintiff's motion for permission to appeal in forma pauperis  
13 is hereby GRANTED.

14 IT IS SO ORDERED.

15 Dated: September 05, 2006



UNITED STATES DISTRICT JUDGE